

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**344 PROVIDENCE ROAD REALTY,
TRUST, RICHARD J. WUNSCHER,
and NAUTILUS INSURANCE COMPANY,
Plaintiffs,**

v.

**AMERICAN SAFETY RISK RETENTION
GROUP, INC. and ARCHITECTURAL
DELEADING, INC.,
Defendants.**

CIVIL ACTION NO. 04-40197-FDS

**MOTION OF DEFENDANT AMERICAN SAFETY RISK RETENTION GROUP, INC.
FOR JUDGMENT ON THE PLEADINGS**

Now comes the defendant in the above-captioned matter, American Safety Risk Retention Group, Inc., and hereby moves this Honorable Court to enter judgment on the pleadings in favor of the defendant and to dismiss the claims of the plaintiffs, 344 Providence Road Realty Trust and Nautilus Insurance Company.

In support of this Motion, the defendant states that the plaintiffs 344 Providence Road Realty Trust and Nautilus Insurance Company have no standing to sue because they were not a party to the contract in question in the instant matter. The defendant, American Safety Risk Retention Group, Inc., refers the Court to its Brief in Support of this Motion for Judgment on the pleadings.

Respectfully submitted,
American Safety Risk Retention
Group, by their attorneys,

CLARK, HUNT & EMBRY

/s/ Armando J. Acosta

William J. Hunt, BBO #
Armando J. Acosta, BBO # 648242
55 Cambridge Parkway
Cambridge, MA 02142
(617) 494-1920

Date: April 29, 2005

CERTIFICATION OF CONSULTATION

Counsel to the Defendant, American Safety Risk Retention Group, Inc., hereby certifies that, pursuant to Local Rule 7.1(A)(2) of this Court, counsel to the Defendant has conferred with all counsel for the parties, regarding the foregoing Motion of Defendant American Safety Risk Retention Group, Inc.'s Motion for Judgment on the Pleadings.

Respectfully submitted,

CLARK, HUNT & EMBRY

/s/ Armando Acosta

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of April, 2005, I caused copies of the foregoing document to be served on counsel to the parties to this action and on counsel or representatives of the movants for intervention by first class mail.

/s/ Armando J. Acosta

Armando J. Acosta